

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNICORN ENERGY GMBH,
Plaintiff,
v.
TESLA INC.,
Defendant.

Case No. 21-cv-07476-BLF (SVK)

ORDER ON DISCOVERY MOTIONS

Re: Dkt. Nos. 226, 227, 228, 229, 230, 243,
244, 247, 248

Before the Court are joint statements regarding three discovery disputes between the Parties:

1. Unicorn's motion to compel the deposition of Elon Musk — Dkt. 226-3 (unredacted version) and Dkt. 247 (redacted version);
2. Unicorn's motion to compel the deposition of Tesla software engineer Yuval Joseph and a further Rule 30(b)(6) deposition of Tesla — Dkt. 229-1 (unredacted version) and Dkt. 248 (redacted version); and
3. Tesla's motion to compel discovery into Unicorn's litigation funding — Dkt. 244-1 (unredacted version) and Dkt. 243 (redacted version).

The Court **GRANTS** the Parties' joint motions asking for leave to file exhibits to their joint statements on the first and second discovery disputes identified above. Dkt. 228, 230.

The Court reviewed the Parties' submissions, the case file, and the relevant law and held a hearing on these three discovery disputes on October 3, 2023. The Court ruled from the bench as follows:

1. Unicorn's motion to compel the deposition of Elon Musk is **DENIED**.

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2. On Unicorn's motion to compel additional depositions:

a. Unicorn's motion to compel the deposition of Mr. Joseph is **GRANTED**.

Any source code review that is necessary before the deposition must be completed on or before **October 6, 2023**. The deposition must be completed by **October 11, 2023**.

b. Unicorn's motion to compel an additional Rule 30(b)(6) deposition is **DENIED** without prejudice to renewal of the motion following the Court's ruling on Unicorn's motion for leave to amend its infringement contentions.

3. Tesla's motion to compel discovery into Unicorn's litigation funding is **DENIED**.

Unicorn must provide Tesla with a verification of Unicorn's response to Interrogatory No. 17 by **October 6, 2023** if it has not already done so.

A complete statement of the Court's reasoning is as set forth on the record.

The Parties also filed administrative motions for leave to file under seal certain portions of the documents filed in connection with the discovery disputes identified above. *See* Dkt. 226, 227, 229, 244; *see also* Dkt. 237-240, 252 (statements, declarations and exhibits in support of motions to seal). The Court has reviewed the motions to seal and good cause appearing, the foregoing motions to seal are **GRANTED**.

SO ORDERED.

Dated: October 3, 2023



SUSAN VAN KEULEN
United States Magistrate Judge